

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION

INQUIRY CONCERNING
A JUDGE No. 04-249

NOTICE OF FORMAL CHARGES

TO: The Honorable W. Wayne Woodard
Charlotte County Courthouse
305 East Marion Avenue
Punta Gorda, Florida 33950

YOU ARE HEREBY NOTIFIED THAT the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of at least five members at its meeting held in Tampa, Florida on May 13, 2005, has determined, pursuant to Rule 6 of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, Section 12(b) of the Constitution of Florida, that probable cause exists for formal proceedings to be instituted against you.

1. Shortly after April 20, 2004, you telephoned the residence of your then recently declared opponent, Carolyn Garber, speaking to her husband, Kenneth Garber. You suggested to Mr. Garber that Ms. Garber might wish to reconsider her candidacy. You further told Mr. Garber that you had a lot of money amassed for your campaign and had locations lined up for your campaign signs. You stated that the campaign was for your retirement and grandchildren, and that losing the election would affect

your retirement, and thus your grandchildren. This call represented an improper effort to encourage Ms. Garber not to run against you.

2. You are frequently late in beginning scheduled first appearance hearings.
3. On one occasion in the summer of 1998 you left an arraignment to conduct a radio campaign interview.
4. In or about 2000, you began the small claims docket at 8:50a.m., when it was scheduled to begin at 9:00a.m. and insisted that attorney Louise Hanaoka commence her case in the absence of her opponent attorney Moran, stating "the docket starts when I say it starts." When Mr. Moran arrived at 9:00a.m., you then required counsel to wait until the end of the docket despite the fact that both were in court at the proper time.
5. You incorrectly asserted in your campaign literature in the summer of 2004 the number of jury trials over which you presided.
6. Despite the fact that following the hurricanes in the summer of 2004 the trial schedule was in disarray, when an expert witness in a small claims case pending before you failed to appear, you issued a bench warrant for the witness with a \$100,000 bond. This resulted in that person, who was represented by attorney Mark Desisto, being incarcerated for seven hours before you released him on his own recognizance.
7. You repeatedly exhibited rudeness and impatience with counsel, witnesses, and parties appearing before you.

Formal proceedings accordingly are hereby instituted to inquire into the following charges:

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he acts described above, if they occurred as alleged, were in violation of Canons 1, 2 and 3 of the Code of Judicial Conduct. Further, these acts, if they occurred as alleged, would impair the confidence of the citizens of this State in the integrity of the judicial system and in you as a judge, would constitute conduct unbecoming a member of the judiciary, could demonstrate your present unfitness to hold the office of judge and could warrant discipline, including removal from office, and discipline as an attorney.

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PLEASE TAKE NOTICE in accordance with the provisions of the Rules of the Florida Judicial Qualifications Commission, as revised, that you have twenty (20) days following service of this notice to file a written answer to these charges. The original of your response and all subsequent pleadings must be filed with the Clerk of the Supreme Court of Florida, and you must also comply with the requirements of the Supreme Court requiring simultaneous filing via e-file@flcourts.org. Copies of your response should similarly be served on the undersigned General Counsel and all persons (other than your counsel) listed in the certificate of service below.

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DATED this _____ day of _____, 2005.

INVESTIGATIVE PANEL OF THE FLORIDA JUDICIAL
QUALIFICATIONS COMMISSION

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Thomas C. MacDonald, Jr.

General Counsel

Florida Bar No. 049318

100 North Tampa Street, Suite 2100

Tampa, Florida 33602

(813) 221-2500

fax (813) 226-8826

General Counsel for the Florida

Judicial Qualifications Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Charges has been furnished by certified mail, #7001 2510 0007 6248 5945, return receipt requested, to the Honorable W. Wayne Woodard, Circuit Judge, Charlotte County Courthouse, 305 Marion Avenue, Punta Gorda, Florida 33950 and Scott K. Tozian, Esquire, attorney for Respondent, 109 North Brush Street, Suite 200, Tampa, Florida 33602 on this 16th day of August, 2005.

/s/ Brooke S. Kennerly

Brooke S. Kennerly

Executive Director

Florida Judicial Qualifications

Commission

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS
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STIPULATION

Pursuant to Rule 6(j) of the Rules of the Judicial Qualifications Commission, the Respondent and the Investigative Panel of the Commission, acting through its Chair, stipulate that:

8. The allegations set forth in the Notice of Formal Charges filed simultaneously herewith are true and correct and are fully admitted by the Respondent.
9. Without further reference to the Hearing Panel or a trial before that body, the Investigative Panel may enter its findings of guilt on the charges and recommend to the Supreme Court that the Respondent be reprimanded for this conduct and require completion of suitable anger management counseling.
10. Unless ordered by the Supreme Court, the parties waive filing of briefs on the issues and oral argument before the Court.

DATED this _____ day of _____, 2005.

W. WAYNE WOODARD
Respondent

SCOTT K. TOZIAN, ESQUIRE
Fla. Bar No. 253510
GWENDOLYN H. HINKLE, ESQ.
Fla. Bar No. 083062
SMITH, TOZIAN & HINKLE, P.A.
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General Counsel for the Florida
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BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, NO. 04-249

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FINDINGS AND RECOMMENDATIONS OF THE INVESTIGATIVE PANEL

This matter is before the Investigative Panel of the Florida Judicial Qualifications Commission pursuant to Rule 6(j) of the Commission upon the factual stipulation of the parties and the waiver of further hearing by the respondent.

Upon consideration of the Notice of Formal Charges and the Stipulation of the parties the Investigative Panel makes the following findings:

- A. The respondent is guilty as charged in the Notice of Formal Charges.
- B. Based on the extended cooperation of the respondent, the panel believes that a suitable penalty would be a public reprimand before the Court and participation in an anger management program satisfactory to the panel. The Panel so recommends.

DATED: This _____ day of _____, 2005.

INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By:

The Honorable James Wolf, Chair
Florida Judicial Qualifications Commission
1110 Thomasville Road
Tallahassee, FL 32303
(850) 488-1581

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings and Recommendation of the Investigative Panel has been furnished by **United States Certified Mail #7001 2510 0007 6248 5965, Return Receipt Requested**, to the Honorable W. Wayne Woodard, Circuit Judge, Charlotte County Courthouse, 305 East Marion Avenue, Punta Gorda, Florida 33950 and Scott Tozian, Esquire, attorney for respondent, 109 Brush Street, Suite 200, Tampa, Florida 33602- 4163 on this 16th day of August , 2005.

/s/ Brooke S. Kennerly
Brooke S. Kennerly
Executive Director
Florida Judicial Qualifications Commission